

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest	)	MEMORANDUM DECISION
of I.B. and K.Y., persons	)	(Not For Official Publication)
under eighteen years of age.	)	
_____	)	Case No. 20060137-CA
	)	
M.T.,	)	F I L E D
	)	(April 20, 2006)
Appellant,	)	
	)	2006 UT App 163
v.	)	
	)	
State of Utah,	)	
	)	
Appellee.	)	

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Third District Juvenile, Salt Lake Department, 458235  
The Honorable Charles D. Behrens

Attorneys: Cheri M. Stringham, Salt Lake City, for Appellant  
Mark L. Shurtleff and John M. Peterson, Salt Lake  
City, for Appellee  
Martha Pierce and Brent J. Newton, Salt Lake City,  
Guardians Ad Litem

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Before Judges Davis, McHugh, and Orme.

PER CURIAM:

M.T. (Mother) appeals the termination of her parental rights in I.B. and K.Y. Mother asserts there was insufficient evidence to support termination.

A juvenile court's findings of fact will not be overturned unless clearly erroneous. See In re E.R., 2001 UT App 66, ¶11, 21 P.3d 680. A finding of fact is clearly erroneous only when, in light of the evidence supporting the finding, it is against the clear weight of the evidence. See id. Additionally, a juvenile court has broad discretion regarding judgments, based on the juvenile court's specialized experience and training, as well as its ability to judge credibility firsthand. See id. So, in reviewing an order terminating parental rights, this court "will not disturb the juvenile court's findings and conclusions unless the evidence clearly preponderates against the findings as made

or the court has abused its discretion." In re R.A.J., 1999 UT App 329, ¶6, 991 P.2d 1118.

Furthermore, pursuant to Utah Code section 78-3a-407, the finding of any single ground is sufficient to warrant termination of parental rights. See Utah Code Ann. § 78-3a-407(1) (Supp. 2005) (providing that the court may terminate all parental rights if it finds any one of grounds listed); In re F.C. III, 2003 UT App 397, ¶6, 81 P.3d 790 (noting any single ground is sufficient to terminate parental rights). Thus, if there is sufficient evidence in the record to support any one of the grounds for termination found by the juvenile court, the termination of Mother's rights is appropriate.

The juvenile court found that termination was warranted pursuant to Utah Code section 78-3a-407(1)(d). Section 78-3a-407(1)(d) provides for termination when a juvenile court finds

that [a] minor is being cared for in an out-of-home placement under the supervision of the court or the division; that the parent has substantially neglected, wilfully refused, or has been unable or unwilling to remedy the circumstances that cause the minor to be in an out-of-home placement; and, that there is a substantial likelihood that the parent will not be capable of exercising proper and effective parental care in the near future.

Utah Code Ann. § 78-3a-407(1)(d).

Here, the children were in an out-of-home placement supervised by the Division of Child and Family Services, satisfying the first element. Second, the evidence supports that Mother has been unable or unwilling to remedy the circumstances that caused the out-of-home placement. The children were removed due to Mother's drug use and incarceration. Mother had been incarcerated for much of the time the case was ongoing, had several missed or dirty drug tests, had admitted drug use at least twice, and had not completed drug treatment at the time of trial. In fact, she had just begun a more intensive level of treatment. The circumstances leading to the children's removal remained concerns at the time of termination. In sum, Mother had failed to correct the circumstances leading to the out-of-home placement.

Finally, Mother would not be able to effectively parent in the near future. She had just begun intensive drug treatment at the time of trial, which would mean at a minimum that the

children could not be returned for four to six months. In its oral findings from the bench, the juvenile court noted that "this specifically is a result of being placed in the House of Hope for a second attempt at drug treatment and needing an additional four to six months under the best of circumstances to succeed in that placement." Overall, the evidence supports each element of section 78-3a-407(1)(d), thereby supporting the termination of Mother's parental rights.

Accordingly, the termination of Mother's parental rights is affirmed.

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James Z. Davis, Judge

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Carolyn B. McHugh, Judge

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Gregory K. Orme, Judge